

December 20, 2004

Mr. Richard McHenry
Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

**Subject: United Auburn Indian Community Tentative NPDES Permit and Cease
and Desist Order**

Dear Mr. McHenry:

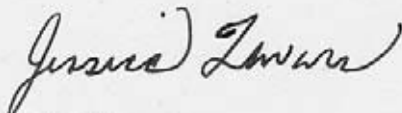
Thank you for the opportunity to review and comment upon the Regional Water Quality Control Board's Tentative NPDES Permit and Cease and Desist Order for the Tribe's wastewater treatment plant at the Thunder Valley Casino.

As you know, the United Auburn Indian Community (the "Tribe") has owned and operated a state-of-the-art microfiltration plant at the Thunder Valley Casino for over a year without a significant problem. The plant is operated by a professional plant operating company, Hydrosience Operations, Inc. (HSO), under contract to the Tribe.

HSO has prepared the attached technical comments on the Tentative NPDES Permit and Order, including suggested revisions which would ensure that the plant continues to operate in the future in compliance with reasonable and achievable permit conditions while also protecting the environment. The Tribe requests that the Board carefully consider these technical comments and suggested revisions.

If you have any questions regarding the attached technical comments, please contact Don Brown or George Harris at (916) 364-1490.

Sincerely,



Jessica Tavares
Tribal Chairperson



HydroScience Operations, Inc.

10569 Old Placerville Road
Sacramento, CA 95827
(916) 364-1490 Tel • (916) 364-1491 Fax

December 20, 2004

Mr. Richard McHenry
CA Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

RE: Response to Auburn Rancheria Casino (Thunder Valley
Casino) Tentative NPDES Permit and Cease and Desist Order

Dear Mr. McHenry:

The following comments are made on the draft NPDES permit
referenced above:

1. **Ammonia Limit.** The current limit for ammonia is variable and is a function of temperature and pH. The new limit, based upon a worst-case scenario (higher than normal pH and very high temperature), is a fixed limit that is generally significantly lower than the level that would be acceptable at the normal temperature and pH. The plant typically achieves the lower limit, however even a small glitch in operation could result in a violation that would not have exceeded the limit based on actual temperature and pH.

For example, the normal effluent ammonia level averages approximately .38 mg/l. The pH is typically 7.4 and the temperature is 32°C. The current limit would be 1.55 mg/l; the new limit .42 mg/l. Assuming a single day excursion of 1.5 mg/l the average for a 30-day month would increase by .05 mg/l bringing the average to .43. This would be a violation even though the worst day was below the level that would be acceptable given actual temperature and pH.

The nitrification and denitrification process in the plant rely on bacterial processes that stabilize to match normal operating conditions. The experience we encountered with the return of high ammonia supernatant from the sludge storage basin is an example of the effects of a slug hit of ammonia that we periodically experience. We can deal with this type of problem by changing our operation strategy and

upgrading the solids handling process, but even with good source control efforts and monitoring it is possible for small short-term hits of ammonia to continue to happen.

We are not suggesting that the Board should allow exceedance of short-term one-hour average ammonia limits, but at the same time we do not believe that the monthly limit should create a violation that would not otherwise damage the environment in the receiving water based on actual pH and temperature.

We request that the long-term (monthly) limit be modified to minimize the effect of short-term ammonia hits. For example using a monthly median value as opposed to monthly average value, or applying language that would address actual conditions before applying a penalty.

2. Meet and Confer Process. In order to foster productive communication and input to achieve full compliance, the tribe requests an opportunity to meet with the RWQCB staff to review the workplan for adequacy and obtain input. We request that a sentence be added to the Cease and Desist Order under the section titled: 'It is hereby ordered that:' stating that the RWQCB will review the workplan for adequacy and meet with the UAIC to discuss any changes that may be required to achieve full compliance.

4. Nitrate and Ammonia compliance schedule. Please delete the reference to compliance date for nitrates and ammonia of March 16, 2006 in paragraph 5 of the findings in the Cease and Desist Order. It is inconsistent with the compliance date of 1 February 2008 in the order.

Thank you for considering these changes. If there are any questions, please call me at (916) 364-1490.

Sincerely,

HydroScience Operations, Inc.



Donald Brown
General Manager